

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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|---------------------------------|---|-----------------|
| CIGNA HEALTH AND LIFE INSURANCE |) | |
| COMPANY, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | Case No. 20-546 |
| |) | (Judge Holte) |
| v. |) | |
| |) | |
| THE UNITED STATES, |) | |
| |) | |
| Defendant. |) | |

JOINT STATUS REPORT

Pursuant to the Court's July 18, 2022 order, the parties respectfully submit this joint status report.

As stated in the parties' previous joint status report, counsel for a number of cost-sharing reduction (CSR) plaintiffs and the Government continue to engage in productive settlement negotiations regarding the CSR cases currently pending before this Court. Plaintiffs here have expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with other CSR plaintiffs for resolving or streamlining the CSR cases.

The negotiating parties most recently exchanged letters on September 7 and September 19. In light of those communications, the parties believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. This methodology must, however, be approved by officials at both the Department of Health and Human Services and the Department of Justice. In addition, the parties will need to gather relevant data from plaintiff-insurers from past benefit years in order to calculate whether damages may be owed to a given insurer for a given year. The Centers for Medicare and Medicaid Services is currently preparing a process for plaintiff insurers to submit relevant CSR

data. Once that data is gathered and analyzed, plaintiffs will have the option of participating in the proposed settlement process or continuing instead with litigation.

Both the approval process and data gathering and analysis will take time. We thus respectfully request that the court continue the stay in this case, and the parties will file a JSR within 60 days, by January 9, 2024, to update the Court on the status of the settlement process.

November 10, 2023

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Respectfully submitted,

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